

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Sammye A. Richardson,

Plaintiff,

vs.

Judge Oliver Wanger, et al.,

Defendants.

No. 03-CV-549-TUC-FRZ

**ORDER**

On April 26, 2004, the Clerk of the Court lodged a document from Plaintiff Sammye A. Richardson titled "Response to Hon. Judge Zapata April 1, 2004, Order. Re: Appeal under Revised Caption in Preparation of Compliance with Court Order." Although the word "Appeal" is mentioned in the title of this document, it is clear that the document is not an appeal, but, rather, a motion for reconsideration. The Court reaches this conclusion based on the following language from the document:

**I understand the April 1, 2004 Order, referencing a right of appeal. And respond, "I do not believe your Order calls for an appeal, sir,. It is Fair!"** With that I ask does this also apply to a Motion for reconsideration to a person however knowledagble, nevertheless, still a student, not a master of law whose daily bread is held in siege, yet one pro se litigant **who is bound and determined to stay the course and comply with 8(a) and (e), if it's the last thing she does.**

And to support my defense of the plea for reconsideration in this honorable court, I offer the following: . . . .

. . . .

Your honor by now this court knows my intentions are good and I have a triable case, so it will be remiss of me to those who are depending on me, if

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1 I do not thank you in anticipation of the opportunity this court may advance me  
2 to demand justice through a reconsideration Motion as opposed to a appeal.

3 (Emphasis in original.)

4 In the Court's April 1, 2004 Order, the Court dismissed the case without prejudice for  
5 Richardson's failure to comply with Rule 8(a) and (e) of the Federal Rules of Civil  
6 Procedure. The Court explicitly informed the parties that "[t]he parties need not file any  
7 motions for reconsideration because the Court will not reconsider its rulings." Thus, the  
8 Court will deny Richardson's motion for reconsideration.

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10 In the Court's April 1, 2004 Order, the Court explicitly stated that "[t]he parties are  
11 not permitted to file any further documents in this case other than a notice of appeal of the  
12 Court's orders." Despite this prohibition, Richardson has attempted to file nine documents,  
13 including the April 26, 2004 document, after the Court issued its April 1, 2004 Order. The  
14 Court will no longer accept documents in this case other than a notice of appeal. **If**  
15 **Richardson attempts to file further documents in this case other than a notice of appeal,**  
16 **the Clerk of the Court is directed not to accept the documents and to return them,**  
17 **either in person or by mail, to Richardson.**

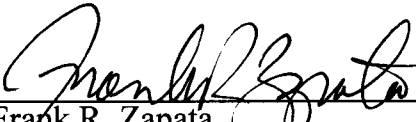
18 Accordingly,

19 **IT IS ORDERED** that the Clerk of the Court is directed to **file** the document titled  
20 "Response to Hon. Judge Zapata April 1, 2004, Order. Re: Appeal under Revised Caption  
21 in Preparation of Compliance with Court Order," which the Clerk of the Court lodged on  
22 April 26, 2004.

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24 **IT IS FURTHER ORDERED** that the document titled "Response to Hon. Judge  
25 Zapata April 1, 2004, Order. Re: Appeal under Revised Caption in Preparation of  
26 Compliance with Court Order" is **CONSTRUED** as a Motion for Reconsideration and is  
27 **DENIED.**

1       **IT IS FURTHER ORDERED** that the Clerk of the Court is **DIRECTED** not to  
2 accept any further documents in this case other than a notice of appeal. If Plaintiff attempts  
3 to file any further documents in this case other than a notice of appeal, the Clerk of the Court  
4 is **DIRECTED** to return the documents to Plaintiff, either personally or by mail, without  
5 lodging or filing the documents.

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7       DATED this 28<sup>th</sup> day of April, 2004.

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10       Frank R. Zapata  
11       United States District Judge  
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